

**RECEIVED**  
**CENTRAL FAX CENTER**

001/012

**WOMBLE  
CARLYLE  
SANDRIDGE  
& RICE**One Atlantic Center  
1201 West Peachtree Street  
Suite 3500  
Atlanta, GA 30309  
Telephone: (404) 872-7000  
Fax: (404) 888-7490  
Web Site: www.wcsr.com

OCT 29 2004

Jeffrey B. Arnold  
Direct Dial: 404-879-2433  
Direct Fax: 404-888-7490  
E-mail:A PROFESSIONAL LIMITED  
LIABILITY COMPANY**FACSIMILE**

October 29, 2004

Number of Pages:

Please call the following number if the message you  
receive is incomplete or not legible: 404-872-7000

C/M

12

To:	Company:	Fax:	Phone:
Commissioner for Patents	U.S. Patent and Trademark Office	703-872-9306	571-272-1504

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Markmann et al.

Serial No. 09/701,501

Filed: January 8, 2001

For: Novel Linoleum Structure and  
Method for Producing Same

Examiner: Sheeba Ahmed

Art Unit: 1773

**CONFIDENTIAL AND PRIVILEGED:** The information contained in this facsimile is privileged and confidential information intended for the sole use of the addressee. If the reader of this facsimile is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this FAX in error, please immediately notify the person listed above, and return the original message by mail to the sender at the address listed above.

RECEIVED  
CENTRAL FAX CENTER

OCT 29 2004

PTO/SB/21 (09-04)

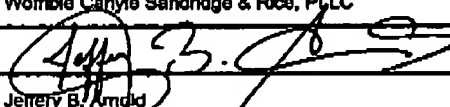
Approved for use through 07/31/2006. OMB 0851-0031

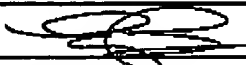
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/701,501
	Filing Date	January 8, 2001
	First Named Inventor	Ole Markmann
	Art Unit	1773
	Examiner Name	Ahmed, Sheeba
Total Number of Pages in This Submission	Attorney Docket Number	D078 1100

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Amendment Transmittal Letter</b>
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Womble Carlye Sandridge & Rice, PLLC		
Signature			
Printed name	Jeffrey B. Arnold		
Date	October 29, 2004	Reg. No.	39,540

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	ERICA BONGTHUER	Date	October 29, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours in complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-04v2)

Approved for use through 07/31/2008. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$).00

## Complete if Known

Application Number 09/701,501  
 Filing Date January 8, 2001  
 First Named Inventor Ole Markmann  
 Examiner Name Ahmed, Sheeba  
 Art Unit 1773  
 Attorney Docket No. D078 1100

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None
☐ Deposit Account:

Deposit Account Number 09-0528

Deposit Account Name Womble Carlyle Sandridge

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 650	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$).00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 15 -17\*\* = 0 x  =   
 Independent Claims 2 -2\*\* = 0 x  =   
 Multiple Dependent  x  =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 44	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$).00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

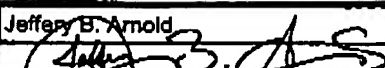
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 65	Non-English specification	
1812 2,520	2812 1,260	For filing a request for ex parte reexamination	
1804 820*	2804 410*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 920*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 960	2253 480	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	2451 755	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1602 490	2502 245	Design issue fee	
1603 660	2503 330	Plant issue fee	
1460 130	2460 65	Petitions to the Commissioner	
1807 60	2807 30	Processing fee under 37 CFR 1.17(q)	
1808 180	2808 90	Submission of Information Disclosure Stmt	
8021 40	28021 20	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 780	2801 390	Request for Continued Examination (RCE)	
1802 900	2802 450	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$).00

## SUBMITTED BY

Name (Print/Type) Jeffrey B. Arnold Registration No. 39,640 Telephone 404-879-2433  
 Signature  Date October 29, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**RECEIVED  
CENTRAL FAX CENTER**

OCT 29 2004

In re PATENT application of: Ole Markmann, et al.  
Serial No: 09/701,501  
Filed: January 8, 2001  
Title: Novel Linoleum Structure and Method for Producing Same  
Customer No: 41461.0011.8

**AMENDMENT TRANSMITTAL LETTER**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

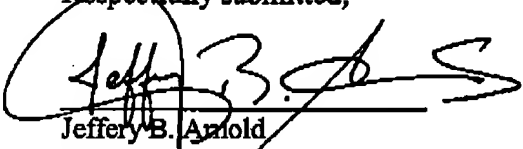
CLAIMS AS AMENDED					
	Claims after Amend.	Highest Prev. Paid For	Extra	Rate SE/LE	Additional Fee
Total Claims	15	- 20	= 0	X \$9/\$18	= \$0
Indep Claims	2	- 3	= 0	X \$43/\$86	= \$0
				Total Additional Fee for this Amendment = \$0	

- ☒ No fee is required.  
☐ The Commissioner is hereby authorized to charge the Amendment Fee of \$0.00 and charge any additional fees which may be required, or credit any overpayment to our Deposit Account No. 09-0528.

Respectfully submitted,

October 29, 2004

Date

  
Jeffery B. Arnold  
Reg. No. 39,540

Womble Carlyle Sandridge & Rice, PLLC  
P.O. Box 7037  
Atlanta, GA 30357-0037  
(404) 872-7000 (Telephone)  
(404) 888-7490 (Facsimile)

Docket Number: D078 1100 (41461.0011.8)

ATLANTA 422206v1

RECEIVED  
CENTRAL FAX CENTER

OCT 29 2004

## PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Markmann et al.

**Serial No. 09/701,501**

**Filed: January 8, 2001**

**For: Novel Linoleum Structure and Method for Producing Same**

**Examiner: Sheeba Ahmed**

**Art Unit: 1773**

### AMENDMENT AND RESPONSE

In response to the outstanding Office Action mailed July 29, 2004, Applicants respectfully request reconsideration and further examination in view of the following amendment and remarks.

**Amendments to the Claims** are reflected in the Listing of Claims which begins on page 2 of this paper.

**Remarks begin on page 5 of this paper.**

**Conclusion is on page 8 of this paper.**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 29, 2004.